

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anton J. Kryka et al.

Serial No.: 10/714,121

Filed: November 14, 2003

For: INDEX FILE FOR USE WITH IMAGE DATA
IN A DOCUMENT PROCESSING SYSTEM

Attorney Docket No.: PM060B (UNCO 0146 PUS)

Group Art Unit: 2166

Examiner: Joon H. Hwang

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed on October 1, 2007 for the above-identified patent application.

Remarks

The Examiner has acknowledged Anderson's failure to disclose an index file in the form of a self-describing document, and relies on Lal as a secondary reference. Appellants believe that Lal fails to disclose an index file in the form of a self-describing document, and that Anderson and Lal still fail to suggest the claimed invention.

Further, Appellants maintain that Anderson and Lal further fail to describe an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed.

In the Examiner's Answer, the Examiner traverses this argument. The Examiner makes reference to, for example, section 120, section 131, and sections 787 and 788 of Anderson.

Section 131 mentions a captured items index. There does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed.

Sections 787 and 788 describe images in an image database, and a database index. Again, there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed.

Section 120 describes a front-end routine for routing different objects to different databases. Again, Anderson still has shortcomings.

In the Examiner's Answer, the Examiner goes on to state that Lal also teaches an index file indexing documents data for subsequent retrieval on an individual basis. The Examiner seems to be acknowledging that Lal is about indexing an XML document collection.

Appellants note that Appellants have argued that there does not appear to be any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis as claimed. As explained above, it appears that Anderson does not include such a teaching. With regard to Lal, the Examiner states that Lal teaches the index file indexing documents data for subsequent retrieval on an individual basis; however, the claim language at issue is the claim limitation of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis. The Examiner has not pointed to such an index file in Anderson or Lal, and has not pointed out teachings of all claim limitations.

Lal does not appear to overcome the shortcomings of Anderson. Lal does not appear to offer any discussion of an index file in the form of a self-describing document. Further, Lal does not appear to offer any discussion of an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis. Again, Lal is indexing documents, and there is no description of an index file for an image file that allows individual image retrieval from an image file containing a plurality of images. Further, there is no description of such an index file being in the form of a self-describing document.

In the Examiner's Answer, the Examiner notes that Lal discloses an index for query and retrieval of documents. After giving some reasoning, the Examiner states that "therefore, the index of documents is for document retrieval on an individual basis." Note that the claim language does not only recite document retrieval on an individual basis, rather the

claim language recites an index file indexing an image file that stores a plurality of captured document images for subsequent retrieval on an individual basis.

With regard to Appellants' argument that there is no teaching in the cited prior art of an index file in the form of a self-describing document, in the Examiner's Answer the Examiner makes several statements relating to the teachings of Lal.

The Examiner acknowledges the hash table index and tree index of Lal, and states that these indexes are in the form of a self-describing document.

Appellants reiterate that both the hash table index and the tree index in Lal are object or data structures containing pointers to elements in a document object model, are not documents, and are not index files that index image files containing multiple document images, let alone index files in the form of self-describing documents as claimed.

Lal does disclose XML documents, and that XML tags are self-describing. Lal also does disclose DTD files. The Examiner seems to be stating that because the hash table index and tree index are generated based on the XML documents (and DTD files), the index files themselves are therefore in the form of self-describing documents as claimed. Appellants respectfully disagree.

The hash table index, as shown in Figure 8, is a flat index of pointers to elements in a document object model. The hash table index does contain the names of tags that occur in the XML documents. The hash table index is only a table of names and pointers, and is not a self-describing document.

The tree index does contain the names of tags that occur in the XML documents, and does reflect the basic structure of the XML document and the document type definition

associated with the XML document. The tree index is simply a tree index containing pointers. The tree index is not in the form of a self-describing document.

Appellants have also argued that there is no motivation to combine the references to achieve the claimed invention. In response to this argument, the Examiner states that Anderson discloses an electronic item management and archival system. The Examiner further states that Lal teaches indexing of XML data, and that the combined teachings of the references would have suggested the claimed invention. Appellants disagree.

Neither reference describes the claimed index file in the form of a self-describing document. Lal describes searching XML documents. The claimed invention is about indexing captured image data using an index file, and is not about searching XML documents. The Examiner states that Anderson discloses that the captured data are in XML, and goes on to state that Lal teaches indexing of XML data and maintains the rejection.

Appellants respectfully point out that the Examiner is making statements about Lal's indexing of XML data; however, the invention is not about the indexing of XML data. It appears that the Examiner is stating that Anderson could be modified in view of Lal to index captured data that are in XML. Such modification still does not achieve the claimed invention. Appellants respectfully point out that the claims recite an index file for indexing captured document images stored in an image file, as opposed to merely reciting the indexing of XML data.

For reasons given above and in the Appeal Brief, claims 2-49 are believed to be patentable.

Respectfully submitted,
Anton J. Kryka et al.

By: /Jeremy J. Curcuri/
Jeremy J. Curcuri
Registration No. 42,454
Attorney for Applicants

Date: December 3, 2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351